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NOVAK, DRUCE + QUIGG L.L.P. 1300 Eye Street, N.W. 1000 West Tower Washington, DC 20005			SPAHN, GAY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,191	Applicant(s) ENGSTROM, NILS-ERIK
	Examiner GAY Ann SPAHN	Art Unit 3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 February 2007 and 12 June 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) 8,9 and 14-16 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 8,9 and 14-16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 February 2007 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/23/06 & 6/12/08

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of SPECIES I (i.e., Fig. 1a) in the reply filed on 12 June 2008 is acknowledged.

Applicant has listed claims 1-7 and 9-13 as being readable upon elected SPECIES I (i.e., Fig. 1a). However, the examiner notes that claim 9 recites that "the upper side groove is provided with a first groove edge surface having an angle α of 1 - 50° towards a vertical plane". This is discussed in the specification on page 10 with respect to the SPECIES III (i.e., Fig. 3) and does not read on elected SPECIES I (i.e., Fig. 1a).

Claims 8, 9, and 14-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected SPECIES, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12 June 2008.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements (IDSs) submitted on 23 May 2006 and 12 June 2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

However, the first three references in the "Foreign Patent Documents" section of the IDS filed 23 May 2006 have been lined through as not being considered be as failing to comply with 37 C.F.R. 1.98(a)(2)(i) because no copies of Japanese Patent Application Publication Nos. JP 7279366, JP 8086078, and JP 7229276 have been received (i.e., the Patent Abstracts of Japan corresponding to these Japanese Patent Application Publications listed in the "Other Documents" section have been considered because copies of these documents were received).

Further, the last reference (i.e., U.S. Patent Application Publication No. 2003/0084636) in the "Other Documents" section of the IDS filed 23 May 2006 has been lined through as not being considered by the examiner because it is a U.S. Patent Document and should be listed in that section, not in the "Other Documents" section.

Drawings

The drawings are objected to because:

(1) all of Figs. 1a, 1b, 1c, 2, 3a, 3b, 3c, 5 and 6 are partial views and should have line breaks at the ends of the adjacent panels to show that the entire panels are not being shown;

- (2) Figs. 1a and 3a are exploded views and must have there separated parts embraced by a bracket according to 37 CFR 1.84(h)(1);
- (3) Fig. 1a, the lead lines leading from reference numerals "11", "12", "21", and "31" should not end in a blackened circle or bead;
- (4) Fig. 1a, reference numeral "3" should not be underlined as underlined reference numerals can only be used if they are situated on the structure they represent;
- (5) Fig. 1a, the lead lines leading from reference numerals "21" and "23" should not cross;
- (6) Fig. 2, the lead lines leading from reference numeral "15" should not end in a blackened circle or bead;
- (7) Fig. 3a, the lead lines leading from reference numerals "11", "12", "14", "18", "27", "31", and "33" should not end in a blackened circle or bead;
- (8) Fig. 3a, the lead line leading from reference numeral "14" should not cross the line showing the distance P;
- (9) Fig. 3a, reference numeral "3" should not be underlined as underlined reference numerals can only be used if they are situated on the structure they represent;
- (10) Fig. 4, the lead lines leading from reference character "3^B" should not end in a blackened circle or bead;

(11) Fig. 4, reference numeral "3" should not be underlined as underlined reference numerals can only be used if they are situated on the structure they represent;

(12) Fig. 5, the lead lines leading from reference numerals "11" and "21" should not end in a blackened circle or bead; and

(13) Fig. 6, the lead lines leading from reference numerals/characters "12", "12^L", "12^L/37^L", "31^b", and "33" should not end in a blackened circle or bead.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because:

(1) second to last line, the words "so as allowing it to be located" is grammatically incorrect.

Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

- (1) all occurrences of the British spelling "fibre" should be changed to the U.S. spelling --fiber-- (see page 1, line 13, page 3, lines 18 and 19, page 8, line 29, etc.);
- (2) page 2, line 28, "labour-intensive" should be changed to --labor-intensive--;
- (3) page 7, lines 13-14, each of Fig. 1a, Fig. 1b, and Fig. 1c must be described separately;
- (4) page 7, line 15, the word "third" should be changed to --second--;

(5) page 7, lines 17-18, there is no Fig. 3, only Fig. 3a, Fig. 3b, and Fig. 3c, and each of these figures must be described separately;

(6) page 8, line 1, the word "wile" should be changed to --while--; and

(7) page 11, line 7, the sentence cannot end in "the." (i.e., there appears to be a word or words missing).

Appropriate correction is required.

Claim Objections

Claims 1-7 and 9-13 are objected to because of the following informalities:

(1) **claims 1-7 and 9-13**, according to the Manual of Patent Examining

Procedure (MPEP), § 608.01, entitled "Form of Claims", "[w]hile there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with 'I (or we) claim,' 'The invention claimed is' (or the equivalent)" and therefore, the centered "CLAIMS" at the top of page 13 should be changed to "I claim:" or "The invention claimed is:" or similar;

(2) **claim 6**, line 2, the word --a-- should be inserted between the words "in" and "horizontal" for correct grammar;

(3) **claim 9**, line 2, the symbol "a" is a reference character and should be placed in parentheses; and

(4) **claim 11**, line 2, the words "and is respective distal edge portion" is grammatically incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1, the recitation of "A joint for a panel" is vague, indefinite, and confusing as not being clear. Dictionary.com defines the word "joint" is defined as:

1. the place at which two things, or separate parts of one thing, are joined or united, either rigidly or in such a way as to permit motion; juncture.
2. a connection between pieces of wood, metal, or the like, often reinforced with nails, screws, or glue.

Therefore, a joint is formed between two panels and a single panel cannot form a joint.

Claim 1, lines 4-6, the recitation of "that a joining profile is provided with a tongue and an intermediate section, the joining profile being so configured so as to allowing it to be located in the upper portion of the joint between two, joined, adjacent panels" is vague, indefinite, and confusing as being grammatically incorrect (i.e., if Applicant is positively reciting the joining profile, then the word "that" should not be in the claim) and as not being understood (i.e., what does "that a joining profile is provided with a tongue and intermediate section" mean). Since it is not clear if the joining profile is being positively recited, the examiner is treating the entire recitation as intended use for the examination on the merits.

Claim 2, lines 1-3, the recitation of "the joint comprises a first edge and a second edge whereby the first edge comprises a groove and the second edge is provided with a tongue" is vague, indefinite, and confusing as lacking antecedent basis and as reciting the same structure twice. If "a first edge", "a groove", "a second edge", and "a tongue" are the same first edge, groove, second edge, and tongue, respectively, as introduced in claim 1, then they should be changed to --the first edge--, --the groove--, --the second edge--, and --the tongue--, respectively.

Claim 2, lines 4-5, the recitation of "the second edge comprises an upper side groove" is vague, indefinite, and confusing as lacking antecedent basis and as reciting the same structure twice. If "an upper side groove" is the same upper side groove as introduced in claim 1, then it should be changed to --the upper side groove--.

Claim 2, lines 5-8, the recitation of "that a joining profile is provided with a first and second snapping tongue and an intermediate section, the joining profile being so configured so as to allowing the first and second snapping tongue to be fitted in upper side grooves of two, joined, adjacent panels" is vague, indefinite, and confusing as being grammatically incorrect (i.e., if Applicant is positively reciting the joining profile, then the word "that" should not be in the claim) and as not being understood (i.e., what does "that a joining profile is provided with a first and second snapping tongue and intermediate section" mean). Since it is not clear if the joining profile is being positively recited, the examiner is treating the entire recitation as intended use for the examination on the merits.

Further, there are lack of antecedent basis problems in that is "a joining profile", "a first and second snapping tongue", and "an intermediate section" new structure or is this meant to refer back to those structures already introduced in claim 1.

Also, is "a first and second snapping tongue" reciting a single tongue to two tonuges? The examiner suggests amending to either –a first snapping tongue and a second snapping tongue—or –first and second snapping tongues--.

Claim 3, lines 2-4, the recitation of "that the joining profile and the upper side grooves are so configured that a play is created in the joint between the mating surfaces" is vague, indefinite, and confusing as being grammatically incorrect (i.e., the first occurrence of the word "that" is grammatically incorrect) and as not being understood (i.e., what does "that the joining profile and the upper side grooves are so configured that a play is created in the joint between the matting surfaces" mean). Since it is not clear what the phrase is reciting, the examiner is treating the entire recitation as intended use for the examination on the merits.

Claim 9, lines 1-2, the recitation of "the upper side groove" is vague, indefinite, and confusing as lacking antecedent basis because it is not clear if this is referring back to the upper side groove of the first edge or the upper side groove of the second edge, both of which were introduced in claim 2.

Claim 10, lines 1-2, the recitation of "the first groove edge surface" is vague, indefinite, and confusing as lacking antecedent basis since "a first groove edge surface" was not introduced until claim 9, but claim 10 is dependent upon claim 2.

Claim 12, lines 1-4, the recitation that "the upper side groove is provided with a first groove edge surface and a second groove edge surface between the first and second groove edge surfaces a predetermined distance is present, " is vague, indefinite and confusing as not being clear. The recitation of "the upper side groove" lacks antecedent basis as not being clear if this is referring back to the upper side groove of the first edge or the upper side groove of the second edge, both of which were introduced in claim 2. Also, the examiner suggests that in line 2, between the second occurrence of the word "surface" and the word "between", --, and-- be inserted.

Claim 12, lines 4-5, the recitation of "the snapping tongue may be pressed in between the first and second groove edge surface" is vague, indefinite, and confusing as not being clear. First, the recitation of "the snapping tongue" lacks antecedent basis since it is not clear if this is referring back to the first or second snapping tongue introduced in claim 2.

Claim 13, lines 2-3, the recitation of "the snapping tongue" is vague, indefinite, and confusing as lacking antecedent basis because it is not clear if this is referring back to the first snapping tongue or the second snapping tongue introduced in claim 2.

Claim 13, line 3, the recitation that "the snapping tongue of the joining profile is adapted to the undercut" is vague, indefinite, and confusing as not being clear. What does "adapted to the undercut" mean? Adapted to be positioned in the undercut?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by MÄRTENSSON (Swedish Patent Application Publication No. SE 514 645).

As to claim 1 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses a joint for a panel, the joint comprising

a first edge (left 2 in Fig. 2a) and a second edge (right 2 in Fig. 2a)

whereby the first edge (left 2) comprises a groove (21) and the second edge (right 2) is provided with a tongue (22)

wherein the second edge (right 2) further comprises an upper side groove (right 4),

"that a joining profile (10) is provided with a tongue (either 11) and an intermediate section (12), the joining profile (10) being so configured so as to allowing it to be located in the upper portion (3, 3) of the joint between two, joined, adjacent panels (1, 1)" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 2 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 1 as discussed above, and MÄRTENSSON also discloses that the joint comprises a first edge (left 2 in Fig. 2a) and a second edge (right 2 in Fig. 2a), whereby the first edge (left 2) comprises a groove (21) and the second edge (right 2) is provided with a tongue (22), wherein the first edge (left 2) further comprises an upper side groove (left 4) and the second edge (right 2) comprises an upper side groove (right 4), "that a joining profile (10) is provided with a first and second snapping tongue (11) and an intermediate section (12), the joining profile (10) being so configured so as to allowing the first and second snapping tongue (11) to be fitted into upper side grooves (4, 4) of two, joined, adjacent panels (1, 1)" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 3 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 2 as discussed above, and MÄRTENSSON also discloses that the joint further comprises mating surfaces (flat surfaces above and below groove 21 and tongue 22), "that the joining profile (10) and the upper side grooves (4, 4) are so configured that a play is created in the joint between the mating surfaces (flat surfaces above and below groove 21 and tongue 22)" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 5 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim

1 as discussed above, and MÄRTENSSON also discloses that the tongue (11) and the groove (4) "are configured to limit the movement in a vertical direction between two adjacent panels (1, 1)" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 6 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 2 as discussed above, and MÄRTENSSON also discloses that the joining profile (10) and the upper side grooves (4, 4) "are configured to limit the movement in horizontal direction between two adjacent panels (1, 1)" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 7 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 2 as discussed above, and MÄRTENSSON also discloses that a portion arranged between the upper side groove (4) and its respective distal edge portion comprises a recess (4/6).

As to claim 10 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 2 as discussed above, and MÄRTENSSON also discloses that the first groove edge surface (left edge surface of left 4) "will create a pressure on an outer edge of the joining profile (10) when two adjacent panels (1, 1) are forced together, the pressure causing the intermediate section (12) to be urged downwards" (the structure of

MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 11 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 10 as discussed above, and MÄRTENSSON also discloses that a portion arranged between the upper side groove (4) and is respective distal edge portion comprises a recess (4/6), the recess (4/6) "being adapted to receive the lower portion of the intermediate section when being urged downwards" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 12 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 2 as discussed above, and MÄRTENSSON also discloses that the upper side groove (4) is provided with a first groove edge surface (left surface of left 4) and a second groove edge surface between the first and second groove edge surfaces a predetermined distance is present, the distance "being so configured that the snapping tongue may be pressed in between the first and second groove edge surface" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

As to claim 13 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 12 as discussed above, and MÄRTENSSON also discloses that the first and second groove edge surfaces (left edge surface of left 4, and right edge surface of right 4) are

arranged so that an undercut (4 past 6, 4 past 6) is present, that the snapping tongue (11, 11) of the joining profile (10) "is adapted to the undercut so that a snap action locking effect is achieved" (the structure of MÄRTENSSON is capable of performing the recited intended use within quotation marks).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over MÄRTENSSON (Swedish Patent Application Publication No. SE 514 645).

As to claim 4 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), MÄRTENSSON discloses the joint of claim 3 as discussed above.

MÄRTENSSON fails to explicitly disclose that the play is in the range 0.05 - 1 mm.

It is well settled that changes in size/proportion do not constitute a patentable difference. See *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), wherein the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed

relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the joint of MÄRTENSSON by making the play between the mating surfaces be in the range of 0.005 mm to 1 mm in order to allow adjacent panels to move slightly with respect to each other, but not distance themselves from each other to any great extent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gay Ann Spahn/
Gay Ann Spahn, Patent Examiner
July 12, 2008